

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

_____)	
EXXON MOBIL CORPORATION, et al.)	
)	
Plaintiffs,)	Civil Action No.
)	03-12539-RGS
- against -)	
)	
BRIMFIELD HOUSING AUTHORITY, et al.)	
)	
Defendants.)	
_____)	

JOINT MOTION TO STAY PROCEEDINGS

Pursuant to Fed. R. Civ. P. 62(b), Plaintiffs and Defendants in this action hereby move this Court for an order staying proceedings pending a decision by the Judicial Panel on Multidistrict Litigation ("JPML") as to whether this action should be transferred to the Honorable Shira A. Scheindlin in her capacity as the assigned judge for In Re: Methyl Tertiary Butyl Ether ("MTBE") Litigation (hereinafter "MDL No. 1358"), and then, upon such transfer, pending Judge Scheindlin's decision with respect to remand motions in related MTBE actions. As grounds for their motion, the parties state the following:

1. At a conference held before the Honorable Shira A. Scheindlin on December 19, 2003, the parties present stipulated on the record, inter alia, that MTBE-related actions which counsel present at the conference controlled, such as the instant action, should be stayed and transferred to Judge Scheindlin, sitting in her capacity as the assigned judge for MDL No.1358. A copy of a written Stipulation dated January 16, 2004, codifying this agreement is attached hereto as Exhibit A.

2. At the conference before Judge Scheindlin on December 19, 2003, the parties present stipulated on the record that counsel would not oppose the issuance of a conditional transfer order by the Judicial Panel for Multidistrict Litigation (subject to and without waiving Defendants' objections to federal jurisdiction). See Exhibit A.

3. In an Order dated December 23, 2003, Judge Scheindlin, sitting in her capacity as the assigned judge for MDL No. 1358, indicated that "all proceedings in the cases set forth at the attached Schedule should be stayed pending transfer to this Court sitting in its capacity as the MDL No. 1358 court." See Order dated December 23, 2003, attached hereto as Exhibit 1 to Exhibit A.

WHEREFORE, the parties respectfully request that this Court enter an Order staying the proceedings in the above action pending a decision by the Judicial Panel on Multidistrict Litigation ("JPML") as to whether this action should be transferred to the court acting as the MDL No. 1358 court, and, upon such transfer, pending the MDL No. 1358 court's decision with respect to remand motions in related MTBE actions.

Respectfully Submitted,

Dated: 2/2/04

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Dated: 2/2/04

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*I hereby certify under the
penalties of perjury
that this document was served
upon counsel for all parties
in this case on*

2/2/04 *by Hand / by Mail*
DEBarnard